

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL COWAN METCALF,

Defendant.

CR 23-103-BLG-SPW

ORDER


Before the Court is the Defendant Gabriel Metcalf's Motion in Limine. (Doc. 43). Metcalf moves to exclude any argument of or evidence relating to his mental health. (Doc. 44 at 2). Metcalf indicates the Government opposes his motion. (Doc. 43 at 1). For the reasons stated below, the Court grants Metcalf's motion.

Metcalf argues that any evidence relating to his mental health is irrelevant because he has not asserted a defense based on diminished mental capacity. (*Id.* at 3). Further, even if relevant, such evidence should not be introduced because its prejudicial value would substantially outweigh its probative value. (*Id.* at 3–4). Finally, he asserts that, as the Government has not identified a qualified witness to diagnose Metcalf with any type of mental defect, any potential testimony as to his mental health would be without foundation. (*Id.* at 4–5).

The Government agrees that testimony as to Metcalf's mental health is irrelevant if Metcalf does not assert an affirmative defense of diminished mental capacity. (Doc. 45 at 2). The Government does not intend to introduce evidence of Metcalf's mental health unless Metcalf opens the door to such evidence. (*Id.* at 1–2).

Accordingly, IT IS SO ORDERED that Defendant Gabriel Metcalf's Motion in Limine (Doc. 43) is GRANTED.

DATED this 27<sup>th</sup> day of February, 2024.

  
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SUSAN P. WATTERS  
United States District Judge